



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
CORESITE REAL ESTATE SUNRISE TECHNOLOGY PARK, L.L.C.
FOR
CORESITE RESTON CAMPUS
Registration No. 74130**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and CoreSite Real Estate Sunrise Technology Park, L.L.C., regarding the CoreSite Reston Campus, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit(s) and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "CoreSite Real Estate Sunrise Technology Park, L.L.C." means CoreSite Real Estate Sunrise Technology Park, L.L.C., a limited liability company authorized to do business in Virginia and its affiliates, partners, and subsidiaries. CoreSite Real Estate Sunrise Technology Park, L.L.C. is a "person" within the meaning of Va. Code § 10.1-1300.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" means the CoreSite Real Estate Sunrise Technology Park, L.L.C. data center facility, titled CoreSite Reston Campus, located at 12369 Sunrise Valley Drive, Reston, in Fairfax County, Virginia 20191.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
9. "Permit" means a Minor New Source Review stationary source permit to construct and operate 34 emergency diesel engine driven generators, which was issued under the Virginia Air Pollution Control Law and the Regulations to CoreSite Real Estate Sunrise Technology Park, L.L.C. on March 2, 2018.
10. "Phase 1 Generators" means the diesel engine driven generators defined in the Permit as six Volvo Penta TWD1643GE sets, rated for 904 bhp, 674 ekW, each, and noted by reference numbers EG029, EG030, EG031, EG032, EG033, and EG034.
11. "Phase 2 Generators" means the diesel engine driven generators defined in the Permit as those generators classified under sub-Phase 2a, or the four Cummins C3000 D6e Model QSK95-G9 sets, rated for 4,307 bhp, 3,212 ekW, each, and noted by reference numbers EG001, EG003, EG005, and EG007.
12. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. CoreSite Real Estate Sunrise Technology Park, L.L.C. owns and operates the Facility in the Fairfax County, Virginia. The Facility operates as a data center. The Permit was issued to CoreSite Real Estate Sunrise Technology Park, L.L.C. on March 2, 2018.

2. The Facility is the subject of the Permit which allows the construction and operation of 34 emergency diesel generators in a phased process: with Phase 1 consisting of the installation of six temporary emergency generators; Phase 2 consisting of an additional 13 emergency generators; and Phase 3 consisting of the removal of the six Phase 1 generators and the addition of 15 additional emergency generators.
3. On March 20, 2019, and on April 9, 2019, Department staff received submissions from CoreSite Real Estate Sunrise Technology Park, L.L.C. which provided several notifications, including:
 - a. Phase 1 Generators had been installed at the Facility on February 1, 2018, and had been “fully commissioned” on March 26, 2018.
 - b. Phase 2 Generators had been installed at the Facility on October 15, 2018, and had an anticipated start-up date of March 25, 2019.
4. On April 17, 2019, Department staff received a submission from CoreSite Real Estate Sunrise Technology Park, L.L.C. which notified DEQ that Phase 2 Generators had been actually started up on March 29, 2019.
5. Department staff conducted a compliance inspection of the Facility on May 31, 2019, to inspect the generators and associated (or required) records. At the time of the inspection, none of the ten constructed Phase 1 or Phase 2 generators on site were operating; however, all ten constructed units were operational.
6. According to statements made by representatives of CoreSite Real Estate Sunrise Technology Park, L.L.C. in September 13, 2019, and November 19, 2019, letters, the Phase 1 generators had a construction date of August 3, 2017, and an actual start-up date of March 6, 2018; Phase 2 generators had a construction date of October 15, 2018, and an actual start-up date of March 29, 2019.
7. The Phase 1 Generators were constructed on August 3, 2017, 211 days prior to the issuance of the Permit, on March 2, 2018.
 - a. 9 VAC 5-80-1120 states that no owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of the permit.
8. The Phase 1 Generators were installed on August 3, 2017, and construction notification was not received until March 20, 2019. Notification was due by September 2, 2017. CoreSite Real Estate Sunrise Technology Park, L.L.C. was 594 days late on construction notification for the Phase 1 Generators. The Phase 2 Generators were installed on October 15, 2018, and notification was not received until March 20, 2019. Notification was due by November 14, 2018. CoreSite Real Estate Sunrise Technology Park, L.L.C. was 126 days late on construction notification for the Phase 2 Generators.

- a. Permit Condition 17.a of the Permit (Initial Notifications) requires that the permittee shall furnish written notification to the Regional Air Compliance Manager of DEQ's NRO the actual dates on which construction of each emergency diesel engine gen-set exhausts commenced within 30 days of such date.
9. The Phase 1 Generator notification of anticipated start-up was not received by DEQ NRO; instead NRO was notified in a March 20, 2019, letter that the generators were "fully commissioned" on March 26, 2018. Through CoreSite Real Estate Sunrise Technology Park, L.L.C.'s statements, it was later determined that actual start-up commenced on March 6, 2018. A notification for that anticipated start-up date was due to be received by DEQ no later than February 4, 2018. CoreSite Real Estate Sunrise Technology Park, L.L.C. was 409 days late on anticipated start-up notification for the Phase 1 Generators. The notification for anticipated start-up of Phase 2 Generators was received by DEQ on March 20, 2019, with a stated anticipated start-up date of 5 days later, March 25, 2019. The due-date for such an anticipated start-up date was February 23, 2019. CoreSite Real Estate Sunrise Technology Park, L.L.C. was 25 days late on anticipated start-up notification for the Phase 2 Generators.
 - a. Permit Condition 17.b of the Permit states that the permittee shall furnish written notification to the Regional Air Compliance Manager of DEQ's NRO the anticipated start-up date of each emergency diesel engine gen-set, to be reported not more than 60 days nor less than 30 days prior to the anticipated date.
10. The Phase 1 Generators commenced start-up on March 6, 2018. Notification of actual start-up was not received for these generators until March 20, 2019. Notification for actual start-up should have been received by DEQ no later than March 21, 2018. CoreSite Real Estate Sunrise Technology Park, L.L.C. was 364 days late on actual start-up notification for the Phase 1 Generators. The Phase 2 Generator notification for actual start-up was received by DEQ on April 17, 2019, with a listed start-up date of March 29, 2019. The due-date for such a start-up date was April 13, 2019. CoreSite Real Estate Sunrise Technology Park, L.L.C. was 6 days late on actual start-up notification for the Phase 2 Generators.
 - a. Permit Condition 17.c of the Permit states that the permittee shall furnish written notification to the Regional Air Compliance Manager of DEQ's NRO of the actual start-up date of each emergency diesel engine gen-set, to be reported not more than 15 days after the start-up date.
11. On June 5, 2019, based on the submissions, evaluation, and follow-up information, the Department issued Notice of Violation No. ANRO001222 to the CoreSite Real Estate Sunrise Technology Park, L.L.C. for the violations described above.
12. On July 18, 2019, Department staff met with representatives of CoreSite Real Estate Sunrise Technology Park, L.L.C. to discuss the violations, and enforcement proceedings.

13. Based on the results of the documentation submitted on March 20, 2019, April 9, 2019, April 17, 2019, September 13, 2019, and November 19, 2019; the Facility evaluation on May 31, 2019; and the July 18, 2019, meeting, the Board concludes that CoreSite Real Estate Sunrise Technology Park, L.L.C. has violated Permit conditions 17.a, 17.b, and 17.c, and 9 VAC 5-80-1120, as described in paragraphs C(1) through C(12), above.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders CoreSite Real Estate Sunrise Technology Park, L.L.C., and CoreSite Real Estate Sunrise Technology Park, L.L.C. agrees to pay a civil charge of **\$12,735.04** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

CoreSite Real Estate Sunrise Technology Park, L.L.C. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, CoreSite Real Estate Sunrise Technology Park, L.L.C. shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of CoreSite Real Estate Sunrise Technology Park, L.L.C. for good cause shown by CoreSite Real Estate Sunrise Technology Park, L.L.C., or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, CoreSite Real Estate Sunrise Technology Park, L.L.C. admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. CoreSite Real Estate Sunrise Technology Park, L.L.C. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. CoreSite Real Estate Sunrise Technology Park, L.L.C. declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by CoreSite Real Estate Sunrise Technology Park, L.L.C. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. CoreSite Real Estate Sunrise Technology Park, L.L.C. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. CoreSite Real Estate Sunrise Technology Park, L.L.C. shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. CoreSite Real Estate Sunrise Technology Park, L.L.C. shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and CoreSite Real Estate Sunrise Technology Park, L.L.C.. Nevertheless, CoreSite Real Estate Sunrise Technology Park, L.L.C. agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after CoreSite Real Estate Sunrise Technology Park, L.L.C. has completed all of the requirements of the Order;
 - b. CoreSite Real Estate Sunrise Technology Park, L.L.C. petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to CoreSite Real Estate Sunrise Technology Park, L.L.C..

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve CoreSite Real Estate Sunrise Technology Park, L.L.C. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by CoreSite Real Estate Sunrise Technology Park, L.L.C. and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of CoreSite Real Estate Sunrise Technology Park, L.L.C. certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind CoreSite Real Estate Sunrise Technology Park, L.L.C. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of CoreSite Real Estate Sunrise Technology Park, L.L.C.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, CoreSite Real Estate Sunrise Technology Park, L.L.C. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 4th day of February, 2020.



Thomas A. Faha, Regional Director
Department of Environmental Quality

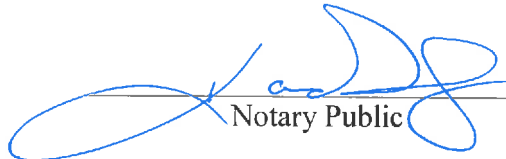
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CoreSite Real Estate Sunrise Technology Park, L.L.C. voluntarily agrees to the issuance of this Order.

Date: 1/28/20 By: Brian P. Warren, Senior Vice President, Development and Product Engineering
(Person) (Title)
CoreSite Real Estate Sunrise Technology Park, L.L.C.

State of Colorado
~~Commonwealth of Virginia~~
City/County of Denver

The foregoing document was signed and acknowledged before me this 28 day of
January, 2020, by Brian P Warren who is
SVP, Development-Product Engineering of CoreSite Real Estate Sunrise Technology Park, L.L.C., on
behalf of the company.



Notary Public

Registration No.

My commission expires: 8-19-21

Notary seal:

